

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

|   |   |                         |
|---|---|-------------------------|
| NATIONAL CASUALTY COMPANY,                      | ) |                         |
|   | ) |                         |
| Plaintiff,                                      | ) |                         |
|   | ) |                         |
| v.  | ) |                         |
|   | ) |                         |
| NIX FRUIT CO., LLC, and KARYN                   | ) | CIVIL ACTION FILE       |
| GURLEY, individually and as personal            | ) |                         |
| representative of the Estate of Clifton Gurley, | ) | NO.: 1:20-cv-22 MOC-WCM |
|   | ) |                         |
| Defendants.                                     | ) |                         |

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**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

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COMES NOW the Plaintiff, **NATIONAL CASUALTY COMPANY**, by and through its counsel of record, and the Defendants, **NIX FRUIT CO., LLC** and **KARYN GURLEY, Individually and as Personal Representative of the Estate of Clifton Gurley**, by and through their counsel of record, and, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby show that the within action has been settled by and between the parties, and hereby stipulate that the within action is dismissed in its entirety and authorize the Clerk of the Court to record on the docket that the within action has been “Dismissed With Prejudice”.

Respectfully submitted,

/s/ Michael P. Johnson  
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***Attorney for Defendant Nix Fruit Co., LLC***

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the within and foregoing **JOINT STIPULATION OF DISMISSAL WITH PREJUDICE** upon the following counsel of record via CM/ECF e-filing system, which will send e-mail notification to all counsel:

Paul C. Rathke, Esq.  
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*Attorney for Defendant*  
***Karyn Gurley, Individually and as Personal  
Representative of the Estate of Clifton Gurley***

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***Nix Fruit Co., LLC***

This 16<sup>th</sup> day of February, 2021.

/s/ *Michael P. Johnson*  
\_\_\_\_\_  
MICHAEL P. JOHNSON  
For the Firm